

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00279-FDW**

EDDRICCO LI'SHAUN BROWN-BEY¹,)
)
 Plaintiff,)
)
 vs.)
)
 MECKLENBURG COUNTY HEALTH)
 DEPARTMENT (VITAL RECORDS),)
 et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court upon initial review of Eddricco Li'shaun Brown-Bey's self-styled "Criminal Complaint" (Doc. No. 1), docketed in this Court on May 25, 2017, and motion to proceed in forma pauperis (Doc. No. 2), docketed on June 9, 2017.

I. STANDARD OF REVIEW

Because Plaintiff seeks to proceed in forma pauperis, the Court must review his petition to determine whether it is subject to dismissal on the grounds that it is "frivolous or malicious [or] fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2). Furthermore, § 1915A requires an initial review of a "complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," and the court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint is frivolous, malicious, or fails to state a claim upon which relief may be

¹ Incarcerated under the name Eddricco Lishaun Brown. See N. C. Department of Public Safety Public Offender Information, available at <http://webapps6.doc.state.nc.us/opi/offendersearch.do?method=list> Offender # 0700738 (last viewed May 30, 2017).

granted; or seeks monetary relief from a defendant who is immune from such relief. Id. In its frivolity review, this Court must determine whether the petition raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions. Neitzke v. Williams, 490 U.S. 319, 327-28 (1989).

II. DISCUSSION

Plaintiff is a prisoner of the State of North Carolina. He has filed a self-styled “Criminal Complaint” demanding criminal prosecution of the named Defendants because the certificate of live birth issued by Defendants lists his race as “black.” According to Plaintiff, “black” is a slave label, and Defendants’ use of the word on his birth certificate constitutes “denationalization,” which he asserts is a federal crime.

Plaintiff’s Complaint is based on an indisputably meritless legal theory and frivolous on its face. See e.g. United States v. Anzaldi, 800 F.3d 872, 878 (7th Cir. 2015) (describing a defendant’s argument that his “ancestors came from Africa, that he is therefore a Moorish national, and that as a result he need obey only those laws mentioned in an ancient treaty between the United States and Morocco” as having “no legal support”). This is the second frivolous lawsuit Plaintiff has filed based on his asserted status as a “Moorish National.” See Brown-Bey v. North Carolina House of Representatives, et al., 1:16-cv-00375-FDW (W.D.N.C. dismissed Jan. 27, 2017). A third such lawsuit could result in Plaintiff being subject to pre-filing penalties in the future. See 28 U.S.C. § 1915g (prohibiting a prisoner from filing civil actions in forma pauperis if, on 3 or more prior occasions, he has brought an action in a federal court that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted).

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Complaint (Doc. No. 1) is **DISMISSED** as frivolous, see § 1915(e)(2);
2. Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) is **GRANTED** for the limited purpose of this Court's review; and
3. The Clerk is directed to terminate this action.

SO ORDERED.

Signed: June 15, 2017

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

